

address for service in the State of California at 4440 Rosewood Drive, Pleasanton, California 94588.

5. At all times material to this Civil Action, Defendant, **ROSS STORES, INC.**, acted or failed to act by and through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment and in furtherance of Defendant, **ROSS STORES, INC.'S**, business.

6. At all times material to this Civil Action, Defendant, **ROSS PENNGEN INC.**, acted or failed to act by and through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment and in furtherance of Defendant, **ROSS PENNGEN INC.'S**, business.

7. At all times material to this Civil Action, Defendant, **ROSS DRESS FOR LESS, INC.**, acted or failed to act by and through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment and in furtherance of Defendant, **ROSS DRESS FOR LESS, INC.'S**, business.

8. At all times material to this Civil Action, Defendants, **ROSS STORES, INC.**, **ROSS PENNGEN INC.**, and **ROSS DRESS FOR LESS, INC.**, owned, operated, maintained, were in possession of, repaired, controlled and/or leased the premises located at Northeast Tower, 4640 Roosevelt Boulevard, Unit A, Philadelphia, Pennsylvania 19124.

JURISDICTION

9. This Court has jurisdiction over this matter pursuant to 28 U.S.C. 1332(a)(1) in that "the matter in controversy exceeds the sum or value of \$150,000.00, exclusive of interest and costs, and is between citizens of different States."

VENUE

10. Venue over this action is appropriate in this matter pursuant to 28 U.S.C. 1391(a)(2), in the Eastern District of Pennsylvania in that: – it is where a substantial part of the events or omissions giving rise to the claim occurred.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

11. Plaintiff incorporates by reference the allegations of Paragraphs 1 through 10 of this Complaint set forth herein at length.

12. On or about July 11, 2011, at approximately 7:00 p.m., Plaintiff, **JUANITA RODRIGUEZ**, was a business invitee at the premises located at Northeast Tower, 4640 Roosevelt Boulevard, Unit A, Philadelphia, County of Philadelphia, Commonwealth of Pennsylvania.

13. At all times material to this Civil Action, and at the aforesaid time and place, Plaintiff, **JUANITA RODRIGUEZ**, was proceeding on foot towards the check out registers at the front of Defendants' store when she was caused to slip and fall upon a dangerous and defective condition present upon the premises causing her to slip and fall and sustain severe and permanent injuries and other losses more fully set forth herein.

14. The aforesaid dangerous and defective condition, to wit, a wet, slick and slippery floor, was so negligently, carelessly and recklessly created and allowed to exist or remain by Defendants, **ROSS STORES, INC., ROSS PENNGEN INC. and ROSS DRESS FOR LESS, INC.**, acting by and through agents, servants, workmen and/or employees, causing Plaintiff, **JUANITA RODRIGUEZ**, to sustain the severe and permanent injuries and other losses hereinafter more fully set forth herein.

15. The injuries and damages sustained by Plaintiff, **JUANITA RODRIGUEZ**,

resulted solely from the negligence, carelessness and/or recklessness of the Defendants, **ROSS STORES, INC., ROSS PENNGEN INC. and ROSS DRESS FOR LESS, INC.**, acting by and through their agents, servants, workman and/or employees, and were due in no part to any act or failure to act on the part of the Plaintiff, **JUANITA RODRIGUEZ**.

COUNT I
JUANITA RODRIGUEZ v. ROSS STORES, INC.,
ROSS PENNGEN INC. and ROSS DRESS FOR LESS, INC.,

16. Plaintiff incorporates by reference the allegations of Paragraphs 1 through 15 of this Complaint, set forth herein at length.

17. The aforesaid slip and fall and the injuries/damages sustained by Plaintiff, **JUANITA RODRIGUEZ**, were caused solely by reason of the negligence, carelessness and/or recklessness of the Defendants, **ROSS STORES, INC., ROSS PENNGEN INC. and ROSS DRESS FOR LESS, INC.**, and consisted of the following:

- a. allowing and causing a dangerous and defective condition to exist at the aforesaid location, of which Defendants knew or should have known by the exercise of reasonable care;
- b. failing to correct said dangerous and defective conditions which it knew or should have known and which constituted a danger to persons lawfully walking thereon;
- c. failing to keep and maintain the aforesaid walkways, common areas of the store in a reasonably safe condition for use by business invitees or other persons lawfully upon the premises;
- d. failing to give warning or notice of the existence of the dangerous and defective conditions of said walkways, and/or common areas of the store to business invitees or other persons lawfully upon the premises;
- e. failing to provide a safe and proper route of travel for Plaintiff, **JUANITA RODRIGUEZ** and other business invitees and/or pedestrians proceeding on foot in and along the said walkways, and/or common areas of the store;

- f. failing to inspect said premises at reasonable intervals in order to determine the condition thereof;
- g. disregarding the rights and safety of the Plaintiff, **JUANITA RODRIGUEZ**;
- h. failing to exercise due care under the circumstances;
- i. improperly treating and/or cleaning the area so as to constitute a hazard to business invitees and other persons lawfully present upon the premises;

18. As a result of the aforesaid negligence, carelessness and/or recklessness of the Defendants, **ROSS STORES, INC., ROSS PENNGEN INC. and ROSS DRESS FOR LESS, INC.**, Plaintiff, **JUANITA RODRIGUEZ**, suffered severe and permanent personal injuries requiring medical treatment, to the bones, joints, muscles, tendons, blood vessels, and soft tissues throughout her entire body, including, but not limited to her neck, back, legs, knees, ankles, hands, face, head, and including, but not limited to, acute fracture of T11 with bony edema, adjacent level T1 and L1 compression fracture and was caused pain and suffering, was prevented from pursuing her usual activities, has permanent disabilities that will affect Plaintiff, and may have caused Plaintiff to sustain other diverse losses and to incur such expenditures for an indefinite period of time in the future, to her great detriment and loss.

19. As a further result of the negligence, carelessness and/or recklessness of the Defendants, **ROSS STORES, INC., ROSS PENNGEN INC. and ROSS DRESS FOR LESS, INC.**, as aforesaid, Plaintiff, **JUANITA RODRIGUEZ**, has and will be obliged to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses, and she may be obliged to continue to expend such sums and to incur such expenditures for an indefinite period of time in the future, to Plaintiff's great detriment and loss.

20. As a further result of the negligence and carelessness of the Defendants, **ROSS STORES, INC., ROSS PENNGEN INC. and ROSS DRESS FOR LESS, INC.**, Plaintiff, **JUANITA RODRIGUEZ**, has suffered agonizing aches, severe physical pains, disability, mental

anguish and humiliation and will continue to suffer same for an indefinite time in the future, to Plaintiff's great detriment and loss.

21. As a result of the negligence and carelessness of the Defendants, **ROSS STORES, INC., ROSS PENNGEN INC. and ROSS DRESS FOR LESS, INC.**, Plaintiff, **JUANITA RODRIGUEZ**, suffered a loss of earnings and earning capacity or may suffer a loss of earnings and earning capacity and impairment of earning capacity and power, and may continue to incur same in the future.

WHEREFORE, Plaintiff, **JUANITA RODRIGUEZ**, demands damages against Defendants, **ROSS STORES, INC., ROSS PENNGEN INC. and ROSS DRESS FOR LESS, INC.**, in an amount in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars, plus interest, cost of suit and attorneys' fees.

JURY DEMAND

Plaintiff, **JUANITA RODRIGUEZ**, demands a jury trial.

GALERMAN & TABAKIN, LLP

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